

The Honorable Judge Robert S. Lasnik

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

JAMES MCDONALD,

Plaintiff,

v.

ONEWEST BANK, FSB, NORTHWEST  
TRUSTEE SERVICES, INC., MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS,  
INC., INDYMAC BANK FSB, DOES 1-50,

Defendants.

No. C10-1952 RSL

**DEFENDANTS' MOTION FOR  
EXTENSION OF TRIAL DATE**

Note on Motion Calendar:  
October 31, 2012

Defendants OneWest Bank, FSB ("OneWest"), Mortgage Electronic Registration Systems Inc. ("MERS"), and Northwest Trustee Services, Inc. ("NWTS") (collectively "Defendants") hereby move the Court, pursuant to Local Civil Rule 16(m)(2) for an extension of the existing trial date until April 1, 2013—or until 90 days after the Court resolves the cross motions for summary judgment, whichever is later—and extension of other case deadlines accordingly, for the reasons discussed herein.<sup>1</sup>

First, given that the parties have filed extensive cross motions for summary judgment covering all issues in this case, it is very likely that most, if not all, of the issues in this case will be resolved as a matter of law. It would be inefficient for each side to expend substantial

<sup>1</sup> Counsel for Defendants has attempted to contact opposing counsel to confer on this request without success. Defendants will notify the Court immediately if opposing counsel joins or opposes this motion. Declaration of Heidi Buck Morrison.

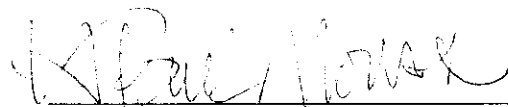
resources preparing for a trial that may not occur, or that would occur only with a very different scope, depending on the court's rulings on the motions for summary judgment. Similarly, the parties could avoid inundating the Court with pre-trial filings on issues that may be mooted or changed substantially by the Court's rulings. For example, motions in limine are presently due on November 5, 2012. Counsel for defendants intend to file a very large number of motions in limine to address the hundreds of pages of plaintiff's exhibits that defendants wish to argue are inadmissible at trial. This work can be substantially reduced if not eliminated depending on the court's rulings on the pending motions.

Second, Larkins Vacura was very recently retained and is in the process of becoming familiar with this case. Larkins Vacura requires additional time to prepare this case for trial, in part because of another case currently scheduled for a four day trial beginning December 12 in Multnomah County, Oregon. That case will require substantial preparation in November and December of this year, which would compound the difficulties in preparing for a December trial in this matter. Trial counsel from Larkins Vacura will also be out of the country on a long-planned trip between February 19 and March 9, 2013.

For these reasons, the undersigned respectfully requests an extension of the trial date to April 1, 2013, or until 90 days after the Court resolves the cross motions for summary judgment, whichever is later, and an extension of other case deadlines accordingly.

DATED this 31st day of October, 2012.

**ROUTH CRABTREE OLSEN, P.S.**



Heidi Buck Morrison, WSBA No. 41769  
Of Attorneys for Defendants OneWest  
Bank, Mortgage Electronic Registration  
Systems, Inc., and Northwest Trustee  
Services, Inc.